

1 Brett L. Gibbs, Esq. (SBN 251000)  
2 Of Counsel to Prenda Law Inc.  
3 38 Miller Avenue, #263  
Mill Valley, CA 94941  
415-325-5900  
[blgibbs@wefightpiracy.com](mailto:blgibbs@wefightpiracy.com)

4  
5 *Attorney for Plaintiff*  
6

7  
8  
9  
10  
11 IN THE UNITED STATES DISTRICT COURT FOR THE  
12 NORTHERN DISTRICT OF CALIFORNIA  
13  
14 SAN FRANCISCO DIVISION

15 AF HOLDINGS LLC, ) Case No. 3:12-cv-02392-JSW  
16 Plaintiff, )  
v. )  
JOHN DOE, )  
Defendant. )  
\_\_\_\_\_  
)

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S EX PARTE  
APPLICATION FOR LEAVE TO TAKE  
EXPEDITED DISCOVERY**

17 **ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR LEAVE TO  
18 TAKE EXPEDITED DISCOVERY**

19 The Court has reviewed the Complaint with attached Exhibits, Plaintiff's *Ex Parte*  
20 Application for Leave to Take Expedited Discovery and all the papers filed in connection with the  
21 motion, and relevant case law. Accordingly, it is hereby

22 ORDERED that Plaintiff's *Ex Parte* Application for Leave to Take Discovery is GRANTED;  
23 it is further

24 ORDERED that Plaintiff may immediately serve Rule 45 subpoena(s) to identify John Doe  
25 associated with Internet Protocol ("IP") address 71.198.110.43, which are limited to the following  
26 categories of entities and information:

27 From Internet Service Provider (ISP) identified in Plaintiff's *Ex Parte* Application for Leave  
28 to Take Expedited Discovery and any other entity identified as a provider of Internet services

1 to John Doe in response to a subpoena or as a result of ongoing BitTorrent activity  
2 monitoring: information sufficient to identify John Doe associated with IP address  
3 71.198.110.43, including name, current (and permanent) address, telephone number, e-mail  
4 address, and Media Access Control address; it is further

5 ORDERED any information disclosed to the Plaintiff in response to a Rule 45 subpoena may  
6 be used by the Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its  
7 Complaint; it is further

8 ORDERED that Plaintiff and any entity which receives a subpoena shall confer, if necessary,  
9 with respect to the issue of payment for the information requested in the subpoena or for resolution  
10 of IP addresses which are not controlled by such entity, duplicate IP addresses that resolve to the  
11 same individual, other IP addresses that do not provide the name and other information requested of  
12 a unique individual, or for the entity's internal costs to notify its customers; it is further

13 ORDERED that any entity which receives a subpoena and elects to charge for the costs of  
14 production shall provide a billing summary and any cost reports that serve as a basis for such  
15 billing summary and any costs claimed by such entity; it is further

16 ORDERED that Plaintiff shall serve a copy of this Order along with any subpoenas issued  
17 pursuant to this Order; it is further

18 ORDERED that if any entity subpoenaed pursuant to this Order wishes to move to quash the  
19 subpoena, it must do so before the return date of the subpoena, which shall be 30 days from the date  
20 of service;

21 Finally, it is ORDERED that the subpoenaed entity shall preserve any subpoenaed  
22 information pending the resolution of any timely-filed motion to quash;

23  
24  
25 DATED: June 5, 2012  
26  
27  
28



Jeffrey S. White  
United States District Judge